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1952

**File No.** 14/52

Legal Department

G **BRANCH**

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**Subject:—**

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Opinion on the Coal Coke

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Office of the R.L.A.

Section 3 of the Mehsana District Steam Coal, Hard Coke and Soft Coke (Price Control) Order, 1950 provid that on demand and offer of price, no person shall refuse to sell Steam Coal, Hard Coke or Soft Coke without reasonable cause. As it is not statutorily incumbent on the dealers to sell coal or coke only against permits issued by the District Magistrate, there is a possibility of the Court holding the refusal to sell coal or coke to a non-permit holder as being without reasonable cause. The issuing of a Press-note as proposed by the Civil Supplies Department would not also solve the difficulty. The best course would therefore be to make a statutory provision in this behalf.

Sd/-

Remembrancer of Legal Affairs.

U.H. to C.S.D. No. 3-99p dated the

4th March 1952.

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Office of the R.L.A.

There is a clear breach of Government Notification, Civil Supplies Department, No. 38/IV-B(a), dated the 30th August 1949. Prosecution however is not expedient in view of the fact that the xport was on behalf of a Village Panchayat and that the export permit would have been given for the mere asking. In fact the Department had even prepared the permit and given intimation of it to the Sarpanch but this was after the coke was exported on the 28th March 1952. The coke was for a steam-roller for repairing the roads of the Panchayat and there appears to be no intention of black-marketing it.

Sd/-

Remembrancer of Legal Affairs.

D.O. to C.S.D., No. G-455, dated the 17th September 1952.

N.V.D.
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